

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION**

CARDCONNECT, LLC,	§	
Plaintiff,	§	
	§	
v.	§	
	§	CASE NO. 2:20-cv-01526
LAW OFFICE OF FRANCISCO J.	§	
RODRIGUEZ and FRANCISCO J.	§	
RODRIGUEZ,	§	
Defendant.	§	
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LAW OFFICE OF FRANCISCO J.	§	
RODRIGUEZ and FRANCISCO J.	§	
RODRIGUEZ	§	
Defendant/Third-Party Plaintiff	§	
	§	
v.	§	
	§	
ANTONIO JUAREZ HERNANDEZ,	§	
NEREYDA VEGA, ROYAL LIBERTY	§	
OIL LEASING, LLC, AND ROYAL	§	
INTERNATIONAL INVESTMENT	§	
GROUP, LLC	§	
Third-Party Defendants	§	

MOTION FOR DEFAULT JUDGMENT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW LAW OFFICE OF FRANCISCO J. RODRIGUEZ and FRANCISCO J. RODRIGUEZ (“FJR”), Defendants/Third-Party Plaintiffs, and files this Motion for Default Judgment against Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC, and shows the Court as follows:

INTRODUCTION

1. On March 24, 2020, Plaintiff CardConnect, LLC filed a complaint against Defendants Law Office of Francisco J. Rodriguez and Francisco J. Rodriguez (collectively “FJR”). FJR answered the suit on June 18, 2020.

2. On July 6, 2020, FJR filed a Third-Party Complaint against Third-Party Defendants Antonio Juarez Hernandez, Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC.

3. FJR served the summons and Third-Party Complaint on Nereyda Vega and Royal Liberty Oil Leasing, LLC on October 9, 2020 via personal service. FJR served the summons and Third-Party Complaint on Royal International Investment Group, LLC on October 23, 2020 via substitute service pursuant to this Court's order on October 19, 2020 (Doc. 24). A copy of the return of service is on file with the Court (Doc. 21; Doc. 22; Doc. 33). Third-Party Defendants Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC did not file a responsive pleading or otherwise defend the suit.

4. On December 23, 2020, the Clerk entered a default against Third-Party Defendants Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC. A copy of the Clerk's Certificate of Default is on file with the Court (Doc. 38).

5. FJR now asks the Court to render a default judgment.

ARGUMENT

6. A court may render a default judgment against a party who has not filed a responsive pleading or otherwise defended the suit. See Fed. R. Civ. P. 55(a), (b)(2); *United States v. \$23,000 in U.S. Currency*, 356 F.3d 157, 163-64 (1st Cir. 2004).

7. This Court should render a default judgment against Third-Party Defendants Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC because they did not file a responsive pleading within 21 days

after they were served. Fed. R. Civ. P. 12(a)(1)(A)(i). Nereyda Vega's and Royal Liberty Oil Leasing, LLC's deadline to file a responsive pleading was on October 30, 2020 (21 days after October 9, 2020). Royal International Investment Group, LLC's deadline to file a responsive pleading was on November 13, 2020 (21 days after October 23, 2020). Neither Third-Party Defendant has filed a responsive pleading.

8. Neither of the Third-Party Defendants are minors, nor are they incompetent persons.

9. Neither Third-Party Defendants Royal Liberty Oil Leasing, LLC nor Royal International Investment Group, LLC are in military service because they are limited liability companies.

10. Third-Party Defendant Nereyda Vega is not currently in military service. An affidavit discussing Third-Party Defendant Nereyda Vega's military status is attached as Exhibit 1. FJR's Third-Party Complaint is attached as Exhibit 2. The Clerk's Certificate of Default is attached as Exhibit 3.

11. FJR seeks unliquidated actual damages in the amount of \$234,999.00, attorney fees in the amount of \$7,330.00, and punitive damages in the amount of \$470,000.00, plus costs and interest. FJR requests a hearing to present evidence in support of his request for damages.

PRAYER

12. For the above reasons, FJR asks that the Court grant FJR's Motion for Default Judgment against Nereyda Vega, Royal Liberty Oil Leasing, LLC, and Royal International Investment Group, LLC, and render a default judgment for the sum of

\$234,999.00 in actual damages, \$7,330.00 in attorney fees, and \$470,000.00 in punitive damages, plus costs and interest.

Respectfully Submitted,

By: /s/ Francisco J. Rodriguez

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served to the following counsel of record on this 30th day of December, 2020, to wit:

VIA ECF-SERVICE: john.peterson@polsinelli.com

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Attorney for Plaintiff

/s/ Francisco J. Rodriguez
FRANCISCO J. RODRIGUEZ